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**From:** Zein, Maher [Maher.Zein@arcadis.com]  
**Sent:** 10/18/2018 5:39:08 PM  
**To:** m\_halona [m\_halona@frontiernet.net]  
**CC:** Calanog, Steve [Calanog.Steve@epa.gov]; Vivian Craig [viviancraig@navajo-nsn.gov]; Tom, Priscilla [Tom.Priscilla@epa.gov]; Makerov, Mike [mike.makerov@bnsf.com]; Nichalson, Brandon [Brandon.Nichalson@arcadis.com]  
**Subject:** RE: Haystack AUM Section 13 Access for Time Critical Removal Action Implementation  
**Attachments:** Haystack Figures.pdf

Dear Mr. Halona,

Thank you for getting back to me. Please see below in red our responses to your questions.

Please let us know if you have any questions or comments or need additional information.

Regards,  
Maher

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**From:** m\_halona <m\_halona@frontiernet.net>  
**Sent:** Wednesday, October 17, 2018 10:26 AM  
**To:** Zein, Maher <Maher.Zein@arcadis.com>  
**Subject:** RE: Haystack AUM Section 13 Access for Time Critical Removal Action Implementation

Mr. Maher,

There are requirements to assess Navajo Nation lands for many different uses. Please provide detail information on what your company is planning within the Navajo Nation Trust land.

Are you simply requesting egress and ingress to cross trust land? No. The USEPA has requested limited, time critical, soil excavation and removal at two areas within the southeast quarter of Section 13: (1) Western Drainage 1 and (2) Western Drainage 2/Road (please see attached site maps for approximate locations of these two areas).

Are you staying on established roads? Yes.

Will you be developing new roads? No.

Will there be any ground disturbance? Yes. Two limited areas within the southeast quarter of Section 13 will be disturbed (please see attached Figure 3).

- (1) Western Drainage 1: work in this area will include visual identification, scans, and removal of surficial ore-bearing rock, including excavation to a maximum depth of one foot bgs (please see attached Figure 7).
- (2) Western Drainage 2/Road: work in this area will include visual identification, scans, and removal of surficial ore-bearing waste rock along approximately 100 feet of road, including excavation to a maximum depth of two feet bgs (please see attached Figure 6).

Removal of soil or rock material? Surficial ore-bearing rock and soil.

What size of an area will be impacted? The two excavation and removal areas requested by the USEPA will be limited. The dimension of each excavation and volume of excavated material will depend on the results of the gamma scanning to be performed prior to the removal work start, but removal activities will not extend beyond the lateral boundaries shown in Figures 6 and 7.

How much soil/material will be removed? The final volume of excavated material will depend on the results of the gamma scanning to be performed prior to the removal work start. The maximum volume to be removed is approximately 500 cubic yards but we anticipate much less volume requiring removal once the gamma survey is completed.

What will the soil/material be used for? The excavated and removed surficial ore-bearing rock and soil will be hauled to a consolidation waste pile located within Section 19 (BNSF-owned private land).

If we can get information on the impacts planned within the Trust land we can provide a better response on what process and requirements you will be required to follow.

Once we receive the information we will assist you in processing your request. Thanks.

If you have any additional questions don't hesitate to contact me. 928-871-6401.

Mike Halona  
Navajo Land Department

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Zein, Maher" <Maher.Zein@arcadis.com>

Date: 10/16/18 10:58 AM (GMT-07:00)

To: m\_halona@frontiernet.net

Cc: "Calanog, Steve" <calanog.steve@epa.gov>, Vivian Craig <viviancraig@navajo-nsn.gov>, "Tom, Priscilla" <Tom.Priscilla@epa.gov>, "Makerov, Mike" <mike.makerov@bnsf.com>, "Nicholson, Brandon" <Brandon.Nicholson@arcadis.com>

Subject: Haystack AUM Section 13 Access for Time Critical Removal Action Implementation

Dear Mr. Halona,

I am following up to the messages we left regarding access to the southeast quarter of Section 13, Township 13 North, Range 11 West of the Haystack Mines Site, located in the Baca/Prewitt Chapter of the Navajo Nation, McKinley County, New Mexico to perform proposed Time Critical Removal Action (TCRA) activities. The proposed TCRA activities will be implemented pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action (AOC; Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA] Docket No. 09-2017-02 and Docket No. 06-02-17) executed between the United States Environmental Protection Agency (USEPA) and BNSF (effective as of May 15, 2017).

The Bureau of Indian Affairs (BIA) has granted BNSF access to this area of the site for TCRA implementation in a letter dated July 23, 2018. However, Mr. Steven Chischilly with the Navajo Land Department indicated in an email dated July 18, 2018 that this portion of the site is a Navajo Trust Land (please see attached an aerial map that Mr. Chischilly provided). Accordingly, we are reaching out to you to inquire if the Navajo Nation has any access requirements (and if yes, what are these requirements?) before we mobilize to the site to perform the required field activities (mostly excavation and soil removal).

Please let me know if you have any questions or would like additional information.

Thank you in advance for your time and assistance,

Maher

**Maher M. Zein, PhD, PE, QSD/QSP, QISP** | Senior Environmental Engineer/Certified Project Manager |  
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